

MEMORANDUM

DATE: February 23, 2011

TO: Policy Committee

FROM: Sarah Propst, Planner

SUBJECT: Submittal Requirements-Environmental

I. Environmental Submittal Requirements

- A. An environmental analysis submittal should accompany legislative case or site plan submittals. A thorough environmental analysis will ensure that development is not planned for areas which may not be able to accommodate it due to environmental constraints. The Planning Director could waive the requirement for smaller projects or those which will not have an environmental impact.
- B. According to the scope of work for the Zoning Ordinance update, current submittal procedures should be examined for both administrative and legislative cases and a document should be developed that outlines information needed to evaluate the environmental impacts of development. This guidance document should address the goals of the Comprehensive Plan and provide specific requirements to increase predictability.

II. Discussion Items

- A. **Topic One** – Legislative case submissions do not include uniform information needed to ensure that the proposed development is appropriate for the conditions of the site.
 - 1. Description of issue/problem
 - An area proposed for development that is located within a floodplain, RPA, contains steep slopes, contains lots that won't perk but are planned to have septic, or contain a rare or threatened species, etc. should be identified early in the process.
 - Applicants do not have a standardized form for environmental requirements. The County receives incomplete information for legislative cases and Staff is unable to make an assessment of the environmental viability of plan. Knowledge of environmental constraints ensures that a realistic estimate of buildable area, number of lots, or access can be presented to the Board of Supervisors. This will increase predictability at the site plan level.
 - 2. History
 - A section was added to the Zoning Ordinance (Sec. 24-148 d, e) in 2010 for enhanced conceptual plans, which includes environmental, traffic, infrastructure, and other analysis. However, enhanced conceptual plans are voluntary.

- Peleg's Point and Michelle Point are examples of cases which could have been more predictable if a complete environmental analysis had been submitted during the legislative process.
 - Mason Park and Stonehouse were much more predictable because of the more complete analyses which were submitted during the legislative process.
3. Comprehensive Plan GSAs, public input, and PC and BOS direction
- LU 1.5.2 Expect developments subject to zoning or special use permit review to mitigate their impacts through the following means:
 - 1.5.2.1 Requiring sufficient documentation to determine the impacts of a proposed development including, but not limited to, studies of traffic impact, capacity of public schools, historic or archaeological resources, **water quality and quantity, other environmental considerations**, and fiscal impact. Develop clear guidelines for the content and methodology to be used to develop the traffic impact (to include upcoming development on adjacent corridors), fiscal impacts (to focus on "as developed" revenues versus costs), and environmental inventory documents.
 - ENV1.2 Promote the use of Better Site Design, Low Impact Development (LID), and effective Best Management Practices (BMPs). Promote these techniques by:
 - 1.2.5 Promoting early submission of environmental inventories in order to protect trees, County wetlands, and highly erodible soils; and to limit impervious cover.
 - Additionally, many actions in the Environmental section of the Comprehensive Plan seek to ensure that developments protect sensitive ecosystems and features.
4. Solutions and policy options
- Many localities have requirements for environmental inventories but they are contained within a variety of ordinance sections such as Tree Preservation or Stormwater ordinances. Several components of an environmental inventory are located in the James City County Chesapeake Bay Preservation Ordinance.
 - Some localities allow exemptions for developments of less than a certain size that do not contain conservation or preservation areas. These are defined by features such as floodplains, wetlands, waterbodies, high quality forests, steep slopes, species of special concern, or areas of environmental significance.
 - A policy could be created for environmental inventory requirements for legislative cases and referenced in section 24-23 Submittal Requirements.
 - Please see the attached Environmental Constraints Analysis for an example of the inventory requirements.
 - One minor correction needs to be made to Sec 24-23(1)b 2 "An environmental inventory in accordance with the James City County Natural Areas **Resource** Policy;" The policy is called the Natural Resource Policy, not Natural Areas Policy.

5. Staff recommendation

- Staff recommends that an environmental inventory requirement be adopted for legislative cases. All requirements would be presented to applicants in a checklist format to increase predictability, eliminate confusion, and identify potential problems early in the review process.
- Exemptions could be provided for small sites, redevelopment, or sites lacking environmentally sensitive features.
- The minor text change to Sec 24-23(1)b2 should be adopted.

B. **Topic Two-** The Zoning Ordinance should include a set of environmental requirements for administrative site plans and subdivisions. Uniform environmental information is critical in determining whether a development is appropriate for the site on which it is being proposed.

1. Description of issue/problem

- Environmental information received with administrative cases is not always consistent and can delay approval.
- In order to ensure that applicants are able to move through the site plan or subdivision process in a predictable manner, environmental inventory requirements should be created that will explain specifically what environmental information is needed.
- The environmental requirements for a site plan are currently found in Sec. 24-145 and include: streams and bodies of water, topography, woodline before site preparation.
- Submittal requirements for preliminary plans for subdivisions are included in Sec. 19-27 and 19-28. Section 19-27 includes: topography, and a soils map
- The Chesapeake Bay Preservation Ordinance Sec. 23-10 already requires some of the additional information which would be included in an environmental inventory. Putting it in the Zoning Ordinance would make it more understandable to applicants as to what is required for a site plan.

2. History

- A section was added to the Zoning Ordinance (Sec. 24-148 d, e) in 2010 for enhanced conceptual plans, which includes environmental, traffic, infrastructure, and other analysis. This is a voluntary process recommended for legislative cases.
- Other localities provide a list of the specific information needed when an application is submitted. If a plan is turned in without the necessary information an application may be denied.
- The Chesapeake Bay Preservation Ordinance already requires some of the additional information which would be included in an environmental inventory. Putting these requirements in the Zoning Ordinance would clarify, in one location, what is required with a site plan or subdivision submission.

3. Comprehensive Plan GSAs, public input, and PC and BOS direction
 - ENV1.2 Promote the use of Better Site Design, Low Impact Development (LID), and effective Best management Practices (BMPs). Promote these techniques by:
 - 1.2.5 Promoting early submission of environmental inventories in order to protect trees, County wetlands, and highly erodible soils; and to limit impervious cover.
4. Solutions and policy options
 - Include a list of the information to be included in the environmental inventory and require that it is completed by a qualified professional.
 - Requirements could be listed, for site plans in Sec. 24-145 and for subdivisions in Sec 19-27. The checklist items are already in the Zoning, Subdivision, or Chesapeake Bay Protection Ordinance and would be listed in one location for clarity. The following environmental components would be included in Sec. 24-145 and Sec. 19-27:
 - o All existing easements
 - o Disturbed area, impervious cover, and percent impervious estimate
 - o Flood zone designation
 - o Resource Protection Areas
 - o Soils (highly erodible, hydric, permeable, hydrologic soils group A & B)
 - o Full environmental inventory consistent with section 23-10(2) of the County's Chesapeake Bay Preservation Ordinance (perennial stream assessment, delineated wetlands, limits of work)
 - o Demonstration that the project complies with section 23-9(b)(1), (2), & (3) of the County's Chesapeake Bay Preservation Ordinance (how disturbance is being minimized, indigenous vegetation preserved, and impervious cover minimized)
 - o County watershed
 - o Steep slopes (grade 25% or more and covering an area of 5,000 sq ft or more)
 - o Sites known for populations of rare or threatened species
 - o Locations of existing conservation easements
 - o Wooded areas and wildlife habitat
 - o Description of Better Site Design or Low Impact Development (LID) techniques being used
5. Staff recommendation
 - Staff recommends that the Policy Committee support the inclusion of an environmental inventory requirement in the Zoning Ordinance and the Subdivision Ordinance.

III. Conclusion

Staff recommends that the Policy Committee support the adoption of an environmental inventory checklist for legislative cases and the inclusion of environmental inventory requirements for administrative site plan and subdivision applications.